



Docket No. 4757-4142US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Darryl C. Stein; et. al.

Group Art Unit: 3724

Serial No.: 10/631,035

Examiner: Carolyn T. Blake

Filed: July 28, 2003

For: APPARATUS AND METHOD FOR CUTTING SHEET-TYPE WORK MATERIAL  
USING A BLADE RECIPROCATED VIA A TUNED RESONATOR

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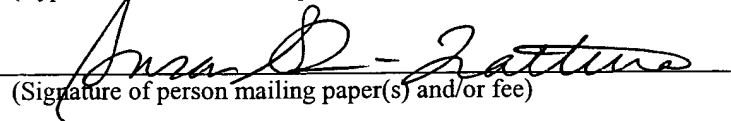
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**PATENT**

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**RESPONSE TO ELECTION REQUIREMENT**

Sir:

In response to the Official Action due April 1, 2005 requiring an election of species, Applicant respectfully submits the following response.

**I.            The Examiner's Election Requirement**

The Examiner has noted that this application contains claims directed to the following:

- A. Claims 1-16
- B. Claims 17-18

The Examiner has further restricted the drawings into three groups:

- I) Figs 1-2
- II) Fig. 3 and
- III) Fig. 4.

Accordingly, the Examiner has required Applicants to elect a single disclosed species for prosecution. No claims were noted by the Examiner as being generic.

**II. Applicants' Election of Species**

Applicants respectfully disagree that the Examiner's requirement is proper. However, in order to facilitate prosecution and to avoid a holding of non-responsiveness in this application, applicants elect with traverse to pursue prosecution of **Claims 1-16 and Figures 1-2**.

Should any of these claims be found generic and allowed, it is noted that the Applicant is entitled to a reasonable number of species. The Examiner is respectfully requested to reconsider this election requirement if such a claim is found. In the event that the Examiner does not withdraw the requirement, Applicants expressly reserve the right to timely file a divisional application directed to the non-elected subject matter.

**III. Applicants' Traversal**

This election is made with traverse. Applicants respectfully submit that: (1) all groups of claims are properly presented in the same application; (2) undue diverse searching should not be required since all the claims are in the same class; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the election requirement should be withdrawn and should be examined together to expedite the patent processes in accordance with U.S. Patent and Trademark Office Business Goals and an action on the merits of all the claims is respectfully solicited.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned attorney.

**AUTHORIZATION**

The Assistant Commissioner is hereby authorized to charge any additional fees that may be required for this response to Deposit Account **13-4500**, Order No. **4757-4142US1**, and is hereby petitioned for any extension of time that may be required to make this response timely. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,  
**MORGAN & FINNEGAN, L.L.P.**

Date: March 30, 2005

By: 

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